

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Leased Commercial Access

Development of Competition and Diversity in Video Programming Distribution and Carriage

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MB Docket No. 07-42

To: The Commission

## COMMENTS OF HTV CORPORATION

1. Introduction and Background. HTV Corporation, ("HTV"), have been providing leased access programming to Time Warner Cable in Kerrville, Texas since 1998. HTV also provides programming 24 hours a day and 7 days a week to the cable systems in Center Point, TX (Suddenlink Cable) and in Ingram, TX, (CeBridge Cable) . HTV is also the licensee of a low power television station, ("LPTV"), KVHC-LP in Kerrville, Texas. We hope to offer suggestions and insight to better the leased access process. We believe that leased access is a valuable tool that allows programmers a way to distribute diverse locally-originated programming to viewers in the community that may not otherwise benefit from local culture, news, and information through current television sources.
2. While HTV pays Time Warner Cable for the limited airtime it purchases, Suddenlink and Cebridge do not charge anything. They provide KVHC-LP as a service to their respective communities.
3. In our own particular situation, we qualify for "Class A", but are not considered for must-carry

because of current FCC regulations that exempts the cable system from carrying us because there is an existing full-power television station licensed to Kerrville. . This particular full-power station does not provide adequate local services to this community as they are focused on the larger city of San Antonio. This current FCC ruling is detrimental to KVHC-LP and to the community it serves because without the provisions of must-carry, we face unreasonable fees and legal roadblocks preventing us from serving the Kerrville area for the good of the community and in times of emergency.

4. Time Warner Cable provides KVHC-LP a channel on the basic tier and charges the highest rate allowed by the FCC for the limited time that KVHC-LP purchases. The remainder of the time, they broadcast the same network that KVHC-LP is an affiliate of., switching us back and forth. Our concerns with Time Warner are as follows:

- a. Time Warner required us to purchase the switcher that they use to switch us back and forth.
- b. Each month, we are required by Time Warner to figure out which hours we will purchase and then to pay them in advance for those hours. We are never given any sort of bill from them, or any sort of affidavit that they actually switched us at those times we purchased, or any proof that we paid them. We have only our canceled check.
- c. Time Warner makes us pay their monthly fee for cable service, which we have to have in order to make sure that we are on the cable system during the times we purchase. We feel they should provide this cable service to us as proof that they are airing us.
- d. Time Warner Cable system advertises on the local radio station that they provide local news, local weather, and local sports on basic cable. We actually provide those items to the community, and they come from no other source, yet they fail to mention that not only do they sell our product to consumers; they also make us pay them for that product that they advertise and sell.

5. Programs that have aired on leased access in Kerrville by KVHC-LP in the last year are:

- a. A daily local news, weather, and sports update
- b. A daily interview show featuring local events.
- c. Four local church programs weekly, and two bi-weekly.
- d. The local high school football game.
- e. Four hours of live, local programs each Saturday.
- f. Three separate Candidate Forums.
- g. A telethon to raise money for the local University's Scholarship Fund.
- h. Live, local, election results.
- i. The 150th anniversary parade in its' entirety.
- j. Excerpts from the city council meetings.
- k. Premier of a locally produced movie.

6. In case of emergencies, Time Warner says that they will switch us over to provide emergency information for the community. They do not pay us for our staff, equipment, studios, or other expenses of providing that information to the community. In a true emergency situation, if no one is at their head-in, they are about 40 minutes out from getting to the head-end to switch us on, and we feel they are leaving the community at risk for that lost time. If there were a tornado, or other life

threatening news item that we are prepared to go on the air with, the cable viewers may not get that vital information until it is too late..

7. Concerns regarding mandatory “media perils” (broadcasters) insurance: Many cable systems demand leased access programmers carry very expensive and unnecessary “media perils” (broadcasters) insurance. This insurance can run as high as \$3,000 plus per year adding to the already economically unfeasible price for leased access. We feel this is unnecessary and should not be the cable systems obligation to demand leased access programmers provide proof of insurance or not be allowed to access the system. Cable systems are already “held harmless” from lawsuits based on content, due to the law banning them having any editorial control over such content. Cable systems do not require non-leased access programmers provide proof of this insurance nor do they deny them access to the system if they don’t provide it. We feel this is bias to the leased access programmer in not allowing them ‘same-type’ access. If the cable operator does not demand proof of insurance from other non-leased access programmers, then they should not demand this of leased access programmers.

8. Concerns regarding air time rates: Time Warner refuses to negotiate leased access airtime rates. To assist in negotiations, we would like the commission to award programmer’s air time discounts and/or must-carry privileges if the programmer (1) provides multiple programs to the system and/or (2) provides community oriented programming alternative to what is currently airing on the system’s leased access channel. Such programming would provide cable companies valuable local information to the communities that they serve and allow programmers additional negotiating leverage. The commission already allows carriage privileges to television stations due to their commitment in serving the communities in which they are received. Leased access programmers should also be awarded the same. We suggest a 50% discount to programmers that meet both requirements or request the commission to enact a similar must-carry provision for leased access programmers who can offer “Class A” type local programming for the community. Programmers that only provide one program or the programs do not promote community awareness of community news and/or information then these programs do not apply.

9. Conclusion and Summary: We hope that this offers some insight into how Time Warner responds to requests for leased access and ultimately assists the commission in increased interest in leased access across the board.

HTV Corporation. Respectfully submitted,  
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